

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 E/S York Road, 165 ft. N of
 the c/l of Ashland Road * ZONING COMMISSIONER
 11209 York Road
 8th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District
 Legal Owner: Betty Burton * Case No. 95-42-A
 Grantor Trust
 Lessee: Bielnick, LLC *
 Petitioner
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 11209 York Road in Hunt Valley section of Baltimore County. Relief is requested from the strict application of Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit 84 parking spaces in lieu of the required 99 spaces. The Petition is filed by the legal owners of the subject property, namely, Betty Burton Grantor Trust and Bielnick, LLC, Lessee. The subject property and proposed relief are depicted on Petitioner's Exhibit No. 1, the site plan.

Appearing at the public hearing held for this case was Russell Burton on behalf of the Betty Burton Grantor Trust. Also present was Randy Bielski on behalf of Bielnick, LLC, Lessee. William Monk, a Land Use Consultant, was also present.

Testimony and evidence was that the subject site is located near the intersection of York Road and Ashland Road in Hunt Valley. The property is approximately 1.47 acres in net area and is zoned B.R.-C.S.2. The property is improved with an existing retail building which is 15,306 sq. ft. in area. The Petitioner/Lessee, Bielnick, LLC, proposes leasing approximately 2,000 sq. ft. of the retail building for its business. The company operates the Bagel Works Restaurant/Bakery. An existing Bagel Works is located south of the subject site on York Road in Lutherville.

ORDER RECEIVED FOR FILING

Date

By

9/13/98
 M. Novak

MICROFILM

As shown on Petitioner's Exhibit No. 2, the floor plan, the site will contain limited seating. Approximately 12 tables will be provided serving 40 to 50 patrons. The seating area comprises but a small section of the total floor space. Much of the business is carry-out and a large area is devoted to preparing bagels and the food which is served.

As to the hours of operation, the business will be opened at 6:00 A.M. and will close in the late afternoon/early evening hours.

The unique character of this restaurant is of particular relevance in considering the zoning variance. As noted above, most of the business is carryout and much of the business volume is in the early morning hours. As the name implies, Bagel Works sells bagels and mainly other breakfast type foods. This is particularly significant in view of the other uses in the retail building. Specifically, a Chinese Carryout occupies nearby space as does a video store, a pizza parlor, a hair dresser, and a 7-11 Store. Many of these uses will have peak business hours at other times when the Bagel Works will generate its largest clientele. It is doubtful that the Chinese carryout or pizza parlor will have much business trade in the early morning hours, for example.

As to the zoning variance, the Petitioner seeks relief from Section 409.6.A.2 to allow 84 parking spaces in lieu of the required 99 spaces. The variance request is entirely appropriate and should be granted. There is no evidence that a grant of the variance would be detrimental to the surrounding business uses or properties. Moreover, the existing parking lot and configuration of same presents the Petitioner with a practical difficulty which necessitates the variance. For these reasons, I will approve the variance request and will so order.

ORDER RECEIVED FOR FILING

Date

By

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of September, 1994 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit 84 parking spaces in lieu of the required 99 spaces, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmh

ORDER RECEIVED FOR FILING

Date

By

9/13/94
M. Hovak

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 9, 1994

Mr. William Monk
William Monk, Inc.
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204

RE: Case No. 95-42-A
Petition for Zoning Variance
Legal Owners: Betty Burton Grantor Trust
Contract Purchaser/Lessee: Bielnick, LLC, Petitioner

Dear Mr. Monk:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. R. Bielski, 3513 Fallston Road, Fallston, Md. 21047
cc: Mr. Russell Burton, 942 Radcliffe Road, Towson, Md. 21204

MICROFILMED



39



Petition for Variance

95-42-A

to the Zoning Commissioner of Baltimore County

for the property located at 11209 York Road

which is presently zoned BR-CS2 & RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6 A 2 to permit 84 parking spaces in lieu of the required 99 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The proposed use (carry-out/restaurant) will occupy 2,000 sq. ft. within the existing 15,000 sq. ft. retail center (known as Ashland Corner). Over 65% of the floor area is devoted to kitchen and storage use. The carry out/restaurant opens at 6:00 AM for breakfast and experiences peak usage/parking demand while the majority of the tenants are closed. While at the same time, closing at 5:00 PM, prior to the evening peak for many of the tenants.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Bielnick, LLC

(Type or Print Name)

Signature

1701 York Road

Address

Lutherville, MD

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Beth Burton Grandon Trust

(Type or Print Name)

Signature

Russell Burton, Trustee

(Type or Print Name)

RUSSELL BURTON

(Type or Print Name)

Signature

2100 DUNEWOOD CT 321-1923

Address

Phone No.

LUTHERVILLE MD 21093

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

William Monk, Inc.

Name

222 Bosley Ave, Ste B-7 410-494-8931

Address

City

State

Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



MACROPHOT

95-42-A

BEGINNING FOR THE SAME AT A POINT ON THE EASTERN SIDE OF YORK ROAD (MD. RTE. 45), 66 FEET WIDE, 165 FEET MORE OR LESS NORTH OF THE CENTERLINE OF ASHLAND ROAD (MD. RTE. 145); THENCE BINDING ON SAID EASTERN SIDE OF YORK ROAD AND RUNNING NORTH 19 DEGREES 02 MINUTES 42 SECONDS WEST, 214.93 FEET; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING NORTH 86 DEGREES 02 MINUTES 35 SECONDS EAST, 98.88 FEET; THENCE NORTH 80 DEGREES 26 MINUTES 38 SECONDS EAST, 178.33 FEET; THENCE SOUTH 20 DEGREES 20 MINUTES 18 SECONDS EAST, 248.30 FEET TO A POINT ON THE NORTHERN SIDE OF ASHLAND ROAD, 60 FEET WIDE; THENCE BINDING ALONG SAID NORTH SIDE OF ASHLAND ROAD AND RUNNING SOUTH 58 DEGREES 57 MINUTES 18 SECONDS WEST, 137.22 FEET; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING NORTH 19 DEGREES 02 MINUTES 42 SECONDS WEST, 116.98 FEET; THENCE SOUTH 70 DEGREES 57 MINUTES 18 SECONDS WEST, 142.75 FEET TO THE POINT OF BEGINNING.

11209. YRK



Vaccinium ciliatum

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-42-17

District 8th

Date of Posting 8/19/94

Posted for: Voriano

Petitioner: Bielnick, LLC & Betty B. Grant or Trust

Location of property: 11209 York Rd. E/s

Location of Signs: Facing roadway on property being zoned

Remarks:

Posted by

M. Stealy
Signature

Date of return:

8/26/94

Number of Signs:

1

MICROFILMED

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 118 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-42-A (Item 39)
11209 York Road
E/S York Road, 165'
N of c/o Ashland Road
8th Election District
3rd Councilmanic
Legal Owner(s):

Betty Burton
Grantor Trust
Contract Purchaser(s):

Bleinick, LLC
HEARING: WEDNESDAY,
SEPTEMBER 7, 1994 at
2:00 p.m. in Rm. 118, Old
Courthouse.

Variance: to permit 84 parking spaces in lieu of the required 99 spaces.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

8/195 August 18.

TOWSON, MD.,

8/19, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/18, 1994.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

Notarizing

MICROFILMED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-42-A

Account: R-001-6150

Number

37

By ULC

Date

8/4/74

1 non RES VAR FILING Code 020 250.00

(2) signs

Code 080

70.00

\$ 320.00

Owner: Betty Burton grantor trust. Trust by Engelunks.
Loc. 11209 York Rd.

MICROFILMED

07A0280683MTCIRC
BA CODE: 41AMDB-04-74

\$320.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 39

Petitioner: BIELNICK LLC

Location: 11209 YORK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: WILLIAM MONK INC

ADDRESS: 222 BOSLEY AVE SUITE B-7

TOWSON, MD 21204

PHONE NUMBER: 494-8931

MICROFILMED

AJ:ggs

(Revised 04/09/93)

Item Number: 39
Planner: JLL
Date Filed: 8-4-94

P E T I T I O N P R O C E S S I N G F L A G

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

✓

The following information is missing:

_____ Descriptions, including accurate beginning point
_____ Actual address of property
_____ Zoning
_____ Acreage
_____ Plats (need 12, only ____ submitted)
_____ 200 scale zoning map with property outlined
_____ Election district
_____ Councilmanic district
_____ BCZR section information and/or wording
_____ Hardship/practical difficulty information
_____ Owner's signature (need minimum 1 original signature) and/or
_____ printed name and/or address and/or telephone number
_____ Contract purchaser's signature (need minimum 1 original
signature) and/or printed name and/or address
_____ Signature (need minimum 1 original signature) and/or
_____ printed name and/or title of person signing for legal
owner/contract purchaser
_____ ✓ Power of attorney or authorization for person signing for
legal owner ~~and/or contract purchaser~~
_____ Attorney's signature (need minimum 1 original signature)
and/or printed name and/or address and/or telephone number
_____ Notary Public's section is incomplete and/or incorrect
_____ and/or commission has expired

TO: PUTUMENT PUBLISHING COMPANY
August 18, 1994 Issue - Jeffersonian

Please forward billing to:

William Monk, Inc.
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204
494-8931

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-42-A (Item 39)
11209 York Road
E/S York Road, 165' N of c/l Ashland Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Betty Burton Grantor Trust
Contract Purchaser(s): Bielnick, LLC
HEARING: WEDNESDAY, SEPTEMBER 7, 1994 at 2:00 p.m. in Room 118 Old Courthouse.

Variance to permit 84 parking spaces in lieu of the required 99 spaces.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

AUG. 12 1994


(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
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HEARING: WEDNESDAY, SEPTEMBER 7, 1994 at 2:00 p.m. in Room 118 Old Courthouse.

Variance to permit 84 parking spaces in lieu of the required 99 spaces.


Arnold Jablon
Director

cc: Russell Burton
Bielnick, LLC
William Monk, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

AUG. 29 1994

(410) 887-3353

Bielnick, LLC
1701 York Road
Lutherville, Maryland 21093

RE: Item No. 39, Case No. 95-42-A
Petitioner: Betty Burton Grantor Trust, et al

Dear Sirs:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 4, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".
W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggs
cc: William Monk, Inc.

MICROFILMED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-12-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +39 (JLL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

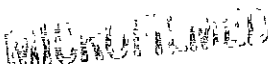
Bob Small

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free



Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/11/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42,
43, 44, 45, 46 AND 47.

RECEIVED

AUG 11 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Handwritten signature



RE: PETITION FOR VARIANCE
11209 York Road, E/S York Road, 165'
N of c/l Ashland Road, 8th Election
District - 3rd Councilmanic

Betty Burton Grantor Trust
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-42- A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to William Monk, Inc., 222 Bosley Avenue, Suite B-7, Towson, MD 21204, representative for Petitioners.

RECEIVED

AUG 19 1994

ZAD:MM

Peter Max Zimmerman

PETER MAX ZIMMERMAN

H.O.

39.

Advised Bill Monk need evidence of
Trustee Authorizations. He will provide (per
him) in a timely fashion.

JAB 2/4/94.

WILLIAM C. JONES

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BILL MONIK

222 BOSLEY AVE

SUITE B-7

TOWSON, MD 21204

RUSSELL BURTON

442 Radcliffe Rd

TOWSON MD 21204

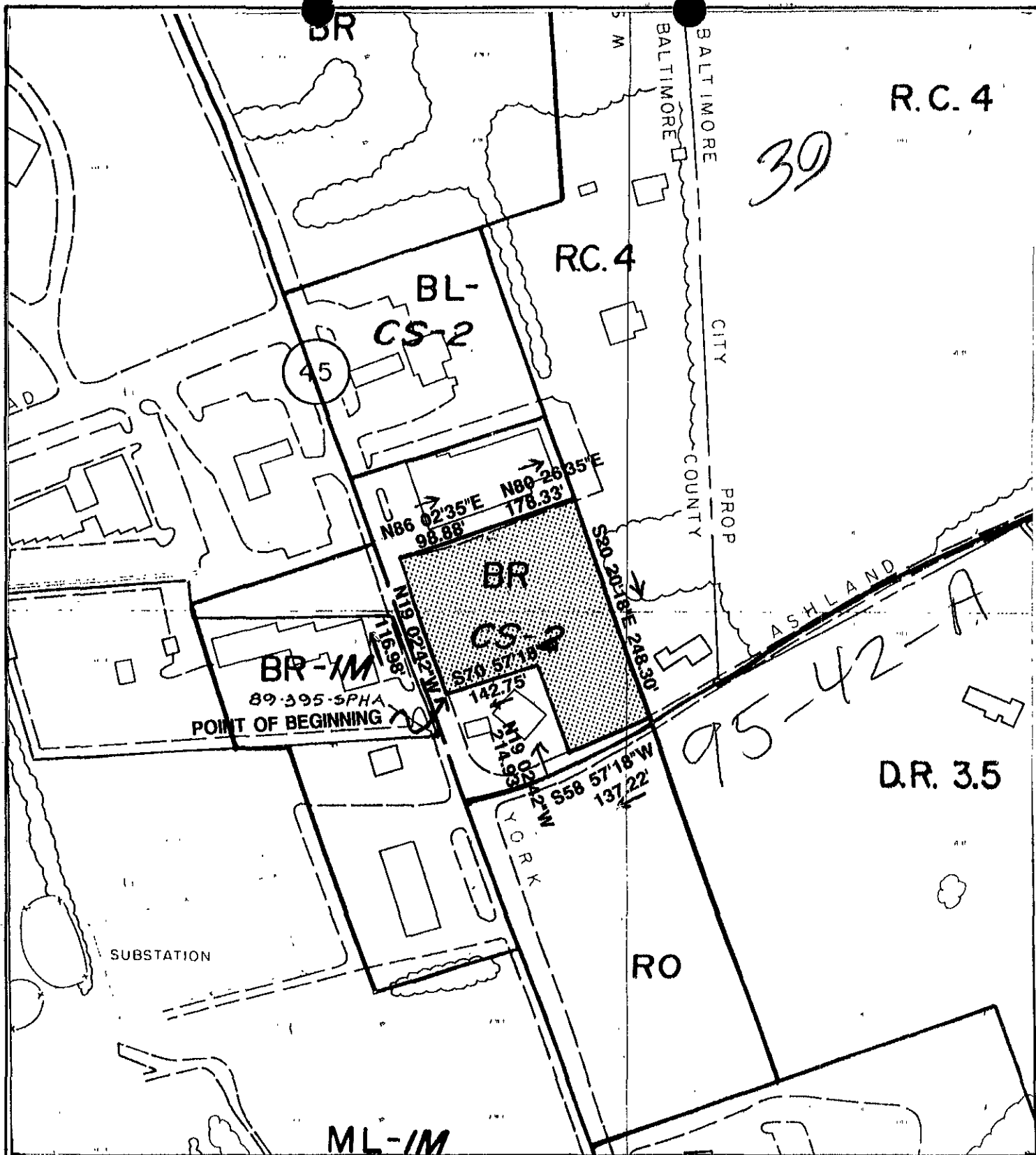
RANDY BIELSKI

3513 FALLSTON RD

FALLSTON MD 21047



Printed with Soybean Ink
on Recycled Paper



WILLIAM MONK, INC
 PLANNING • LANDSCAPE DESIGN
 ENVIRONMENTAL RESOURCE MANAGEMENT
 COURTHOUSE COMMONS
 222 BOSLEY AVENUE, SUITE B 7
 TOWSON, MARYLAND 21204
 (410) 454-8931

ZONING MAP
 TO ACCOMPANY
 VARIANCE APPLICATION

#11209 YORK ROAD
 BALTIMORE COUNTY, MD

APPLICANT:

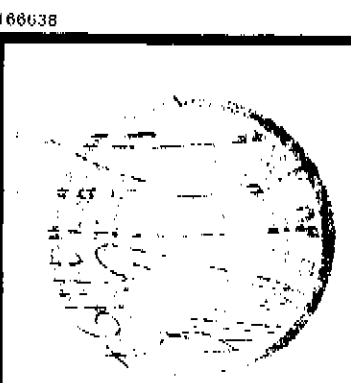
BIELNICK, LLC
 C/O BAGEL WORKS
 1701 YORK ROAD
 LUTHERVILLE, MD

7/1/94

1"=200'

NW 18B

MICROFILMED



Parcel 228
Allan A. Frank
Cindy Sue Frank
12113 Ridge Valley Drive
Owings Mills, MD 21117
6635/383 0808006410

**COCKEYSVILLE VOLUNTEER
FIRE DEPARTMENT**

Parcel 295
Cockeysville Volunteer Fire Co.
P.O. Box 344
Cockeysville, MD 21030
2200001594, 2200001595
2200001593

Parcel 293
Stanley C. Leo
Nelson J. Leo
5010 Long Green Road
Glen Arm, MD 21057
7893 /691 0811015800

**YORK ROAD
MD RTE 45**

(ULTIMATE R/W 80')

POINT OF BEGINNING

165± TO ASHLAND ROAD

Parcel 387
Shell Oil Co.
Eastern Tax Region
Houston, TX 77252
7029/366 0804002850

**#11201
EXISTING
BUILDING
GAS STATION**

N19 02'42"W 116.98'

S58 57'18"W 137.22'

**ASHLAND ROAD
MD RTE 145
(ULTIMATE R/W 80')**

Parcel 258
Josias J. Cromwell 2nd
Christopher Cromwell
3360 Glenwood Road
Lutherville, MD 21093
8062/552 0816045580

**PETITIONER'S
EXHIBIT No. 1**

**EXISTING
GARAGE
RESIDENCE**

56 Ashland Road
NW Beattown
No Records Available

S20 20'18"E 248.30'

EXISTING SHOPPING
CENTER D. SIGN
TO REMAIN

S70 57'18"W 142.75'

**EXISTING RETAIL BUILDING
15,306 SQ. FT.**

RETAIL

RETAIL

BASEWORKS

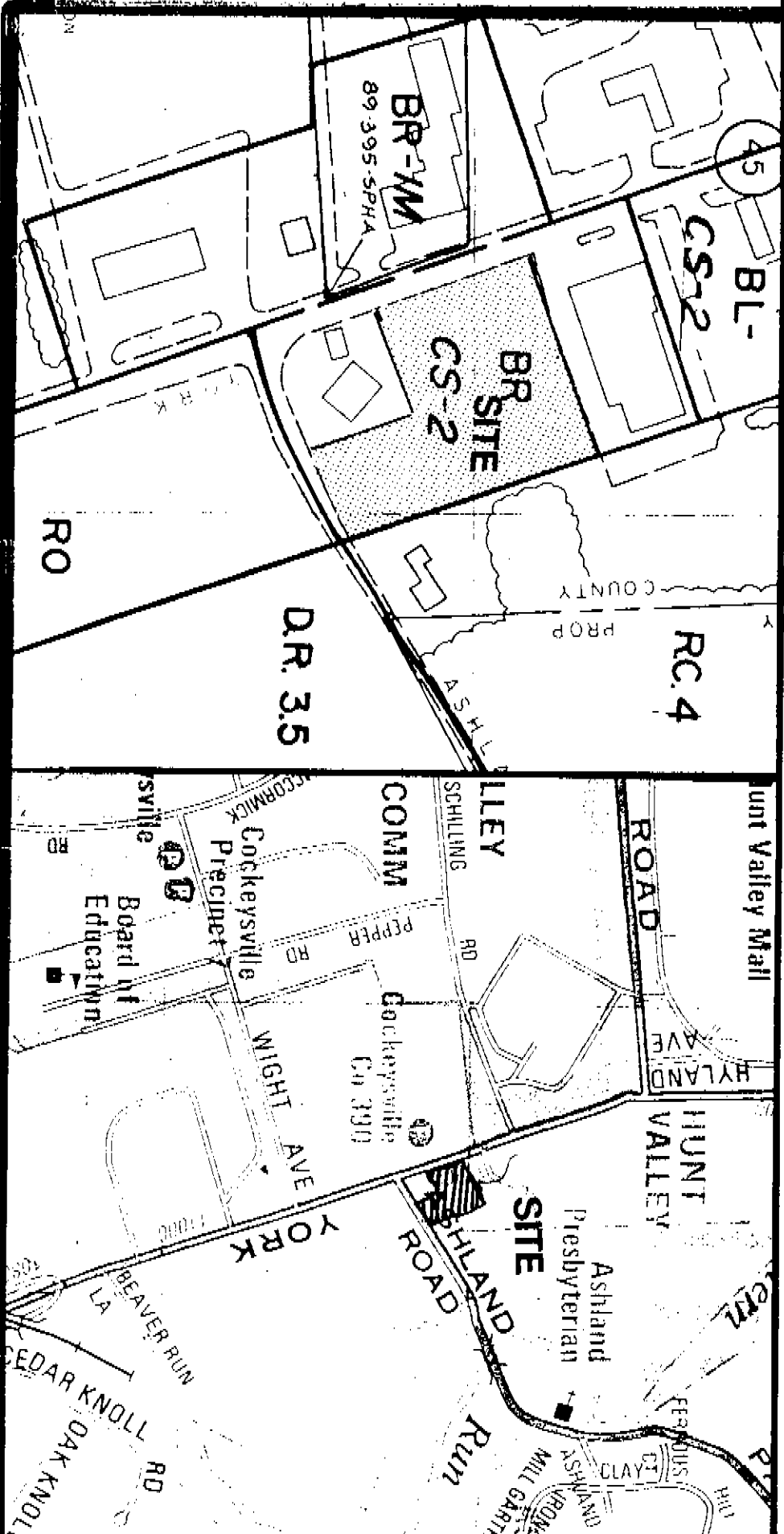
7-ELEVEN

EXISTING PARKING TO REMAIN

EXISTING PAVED AREA

**#11223
EXISTING BUILDING**

Parcel 197
John S. Huff, Jr.
Marjorie E. Huff
11209 York Road
Cockeysville, MD 21030
5885/411 1800013693



NOTES:

1. PROPERTY OWNERSHIP: BARBARA B. ABBOTT, PATRICIA L. BURTON, 2108 DALWOOD COURT, LUTHERVILLE, MD 21093
2. ZONING: EXISTING - BR-CG-2 (BUSINESS ROUTE) - COMMERCIAL, STRIP PROPOSED - SAME
3. LOT AREA: 1.47 AC +/- GROSS - 1.71 AC +/-
4. EXISTING USE: RETAIL SHOPPING CENTER
5. PROPOSED USE: RETAIL SHOPPING CENTER
6. BUILDING SETBACKS: NO EXPANSIONS OR EXTERIOR ALTERATIONS ARE PROPOSED, EXISTING SETBACKS TO REMAIN.
7. BUILDING AREA: 2,000 SQ. FT. BASEWORKS 13,306 SQ. FT. RETAILING BUILD - 15,306 SQ. FT. TOTAL - 17,306 SQ. FT.
8. PARKING: REQUIRED BASEWORKS - 2,000 SQ. FT. @ 15/1000 = 133 REQUIRED RETAILING - 15,306 SQ. FT. @ 15/1000 = 102 PROVIDED - 84
9. UTILITIES: SEWER - PUBLIC WATER - PUBLIC
10. VARIANCE: TO PERMIT 84 PARKING SPACES IN LIEU OF THE REQUIRED 99 SPACES PER SECTION 409.6 BCZR.
11. SPECIAL EXCEPTION: NONE
12. ELECTION DISTRICT: 8
13. CONGRESSIONAL DISTRICT: 3
14. CENSUS TRACT: 4089
15. WATERSHED: 11
16. SUBDIVISION: 37
17. DEED REFERENCE: 7772/563
18. PROPERTY ACCOUNT NO.: 2106001037
19. TAX MAP: 42, GRID: 16, PARCEL: 4186
20. FLOOR AREA RATIO: NO CHANGE FROM EXISTING
21. HEIGHT OF BUILDING: 1 STORY
22. MASS TRANSIT ADJACENCY: N/A
23. SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN.
24. AMENITY OPEN SPACE: N/A
25. SIGN: EXISTING SIGN TO REMAIN. ALL SIGNAGE TO BE IN CONFORMANCE WITH SECTION 43.1 BCZR.
26. PREVIOUS COMMERCIAL PERMIT: CPG # VIII-447 (7/7/97)
27. PREVIOUS ZONING HEARING: NONE
28. PLAN BASED UPON CPG PLAN # VIII-447 (7/7/97) PREPARED BY WILLIAM F. KIRBY, TOWSON, MD

PLAN TO ACCOMPANY VARIANCE APPLICATION

**# 11209 YORK ROAD @ ASHLAND ROAD
BALTIMORE COUNTY, MARYLAND**

WILLIAM MONK, INC
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS -
222 BOSLEY AVENUE, SUITE B 7
TOWSON, MARYLAND 21204
(410) 494-8931

APPLICANT:
BIELNICK, LLC
C/O BAGEL WORKS
1701 YORK ROAD
LUTHERVILLE, MD 21093

95-42-A

DATE: 7/1/94 JOB NO: 94-64 SCALE: 1"=20'

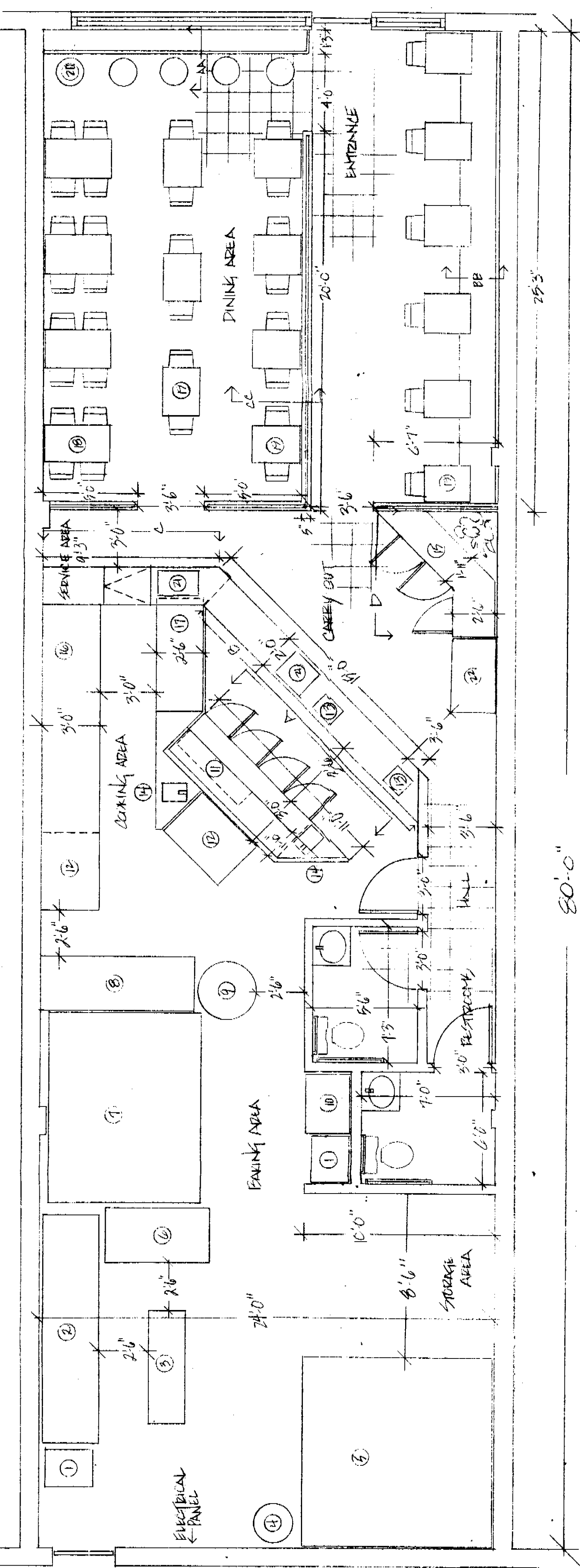
LEGEND

- ① PORTABLE TABLE 24" X 30"
- ② FORMER 12" X 30"
- ③ WORKING TABLE 60" X 2'0"
- ④ HOT WATER HEATER
- ⑤ WALK-IN 10'0" X 10'0"
- ⑥ MIXER 3'0" X 5'6"
- ⑦ OVEN 8'0" X 10'0"
- ⑧ 3-COMPARTMENT SINK 8'0" X 10'0"
- ⑨ KETTLE 36" DIA.
- ⑩ ICE MACHINE
- ⑪ FOOD STORAGE 53 1/8" X 12'0" X 11 1/4" H (HFS)

- ⑫ REFRIGERATOR 4'0" X 3'0"
- ⑬ CASH REGISTER
- ⑭ HAND SINK 10" X 14" X 5' COUNTER 11" X 17"
- ⑮ COFFEE MACHINE
- ⑯ HOOD 12'0" X 3'0"
- ⑰ WORK SECTION 2'6" X 6'0"
- ⑱ TABLE 2'0" X 3'6"
- ⑲ TABLE 2'0" X 2'6"
- ⑳ 15" BAR STOOL
- ㉑ SODA FOUNTAIN
- ㉒ SODA BOX

SPECS

- USE EXISTING (3) INTERE DOORS FOR RESTROOMS & WORK AREA
- ALL WALLS PAINTED ABOVE CHAIRRAIL IN DINING AREA, ENTRANCE, CARRY-OUT & HALL
- 1/4" STAINED BIRCH WOOD PANELS (8'0" X 4'0") BELOW CHAIRRAIL
- WALLPAPER RESTROOMS
- HANDICAP RESTROOMS - ALL WHITE FIXTURES (ATTACHMENTS)
- PAINT ALL WALLS IN WORKING AREA
- TILE FLOOR IN DINING AREA, ENTRANCE, CARRY-OUT, SERVICE AREA, HALL AND RESTROOM 13" X 13" TIVE CHRYSEMETIC, ONE-SQUARE TILE, MIDDLE 202-7363



- PLAN VIEW

PETITIONER'S EXHIBIT NO. 2

BAGEL WORKS - ASHLAND	
SCALE: 1/4" = 1'-0"	APPROVED BY:
DATE: 8-28-04	REVISED:
TYPESSIVE INTERIORS, INC.	
ATTACHEE: 323-1543	DRAWING NUMBER: 1/2

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S York Road, 165 ft. N of * ZONING COMMISSIONER
the c/l of Ashland Road *
11209 York Road * OF BALTIMORE COUNTY
8th Election District *
3rd Councilmanic District * Case No. 95-42-A
Legal Owner: Betty Burton *
Grantor Trust *
Lessee: Bielnick, LLC *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 11209 York Road in Hunt Valley section of Baltimore County. Relief is requested from the strict application of Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit 84 parking spaces in lieu of the required 99 spaces. The Petition is filed by the legal owners of the subject property, namely, Betty Burton Grantor Trust and Bielnick, LLC, Lessee. The subject property and proposed relief are depicted on Petitioner's Exhibit No. 1, the site plan.

Appearing at the public hearing held for this case was Russell Burton on behalf of the Betty Burton Grantor Trust. Also present was Randy Bielski on behalf of Bielnick, LLC, Lessee. William Monk, a Land Use Consultant, was also present.

Testimony and evidence was that the subject site is located near the intersection of York Road and Ashland Road in Hunt Valley. The property is approximately 1.47 acres in net area and is zoned B.R.-C.S.2. The property is improved with an existing retail building which is 15,306 sq. ft. in area. The Petitioner/Lessee, Bielnick, LLC, proposes leasing approximately 2,000 sq. ft. of the retail building for its business. The company operates the Bagel Works Restaurant/Bakery. An existing Bagel Works is located south of the subject site on York Road in Lutherville.

As shown on Petitioner's Exhibit No. 2, the floor plan, the site will contain limited seating. Approximately 12 tables will be provided serving 40 to 50 patrons. The seating area comprises but a small section of the total floor space. Much of the business is carry-out and a large area is devoted to preparing bagels and the food which is served.

As to the hours of operation, the business will be opened at 6:00 A.M. and will close in the late afternoon/early evening hours.

The unique character of this restaurant is of particular relevance in considering the zoning variance. As noted above, most of the business is carryout and much of the business volume is in the early morning hours. As the name implies, Bagel Works sells bagels and mainly other breakfast type foods. This is particularly significant in view of the other uses in the retail building. Specifically, a Chinese Carryout occupies nearby space as does a video store, a pizza parlor, a hair dresser, and a 7-11 Store. Many of these uses will have peak business hours at other times when the Bagel Works will generate its largest clientele. It is doubtful that the Chinese carryout or pizza parlor will have much business trade in the early morning hours, for example.

As to the zoning variance, the Petitioner seeks relief from Section 409.6.A.2 to allow 84 parking spaces in lieu of the required 99 spaces. The variance request is entirely appropriate and should be granted. There is no evidence that a grant of the variance would be detrimental to the surrounding business uses or properties. Moreover, the existing parking lot and configuration of same presents the Petitioner with a practical difficulty which necessitates the variance. For these reasons, I will approve the variance request and will so order.

-2-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of September, 1994 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit 84 parking spaces in lieu of the required 99 spaces, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-3-

Baltimore County Government
Zoning Commission
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 9, 1994

Mr. William Monk
William Monk, Inc.
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204

RE: Case No. 95-42-A
Petition for Zoning Variance
Legal Owners: Betty Burton Grantor Trust
Contract Purchaser/Lessee: Bielnick, LLC, Petitioner

Dear Mr. Monk:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
att.

cc: Mr. R. Bielski, 3513 Fallston Road, Fallston, Md. 21047
cc: Mr. Russell Burton, 942 Radcliffe Road, Towson, Md. 21204



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 11209 York Road
which is presently zoned BR-CS2 & RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6 A 2 to permit 84 parking spaces in lieu of the required 99 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
The proposed use (carry-out/restaurant) will occupy 2,000 sq. ft. within the existing 15,000 sq. ft. retail center (known as Ashland Corner). Over 65% of the floor area is devoted to kitchen and storage use. The carry out/restaurant opens at 6:00 AM for breakfast and experiences peak usage/parking demand while the majority of the tenants are closed. While at the same time, closing at 5:00 PM, prior to the evening peak for many of the tenants.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Current Petitioner (Lessee)
Bielnick, LLC
(Type or Print Name)
1701 York Road
Lutherville, MD 21093

Legal Owner(s)
Betty Burton Grantor Trust
Russell Burton, Trustee
(Type or Print Name)
1701 York Road
Lutherville, MD 21093

City State Zipcode
Lutherville, MD 21093

Attorney for Petitioner:
(Type or Print Name)
Address
City State Zipcode

Signature
William Monk, Inc.
222 Bosley Ave, Ste B-7 410-494-8931
Towson, MD 21204

Address Phone No.
222 Bosley Ave, Ste B-7 410-494-8931
Towson, MD 21204

City State Zipcode
Towson, MD 21204

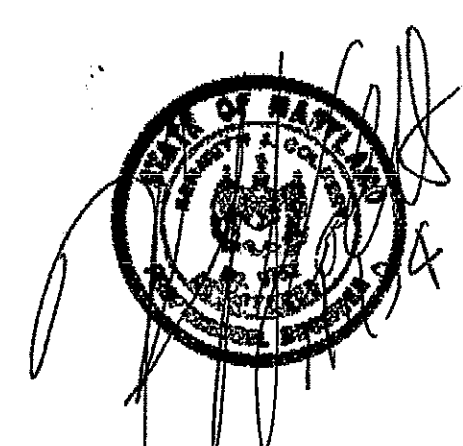
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following date
Next Two Months
ALL OTHER
REVIEWED BY: DATE

ZONING DESCRIPTION 11209 YORK ROAD

BEGINNING FOR THE SAME AT A POINT ON THE EASTERN SIDE OF YORK ROAD (MD. RTE. 45), 66 FEET WIDE, 165 FEET MORE OR LESS NORTH OF THE CENTERLINE OF ASHLAND ROAD (MD. RTE. 145); THENCE BINDING ON SAID EASTERN SIDE OF YORK ROAD AND RUNNING NORTH 19 DEGREES 02 MINUTES 42 SECONDS WEST, 214.93 FEET; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING NORTH 86 DEGREES 02 MINUTES 35 SECONDS EAST, 98.88 FEET; THENCE NORTH 80 DEGREES 26 MINUTES 38 SECONDS EAST, 178.33 FEET; THENCE SOUTH 20 DEGREES 20 MINUTES 18 SECONDS EAST, 248.30 FEET TO A POINT ON THE NORTHERN SIDE OF ASHLAND ROAD, 60 FEET WIDE; THENCE BINDING ALONG SAID NORTH SIDE OF ASHLAND ROAD AND RUNNING SOUTH 58 DEGREES 57 MINUTES 18 SECONDS WEST, 137.22 FEET; THENCE LEAVING SAID RIGHT-OF-WAY AND RUNNING NORTH 19 DEGREES 02 MINUTES 42 SECONDS WEST, 116.98 FEET; THENCE SOUTH 70 DEGREES 57 MINUTES 18 SECONDS WEST, 142.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.47 ACRES OF LAND MORE OR LESS.

11209. YRK



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

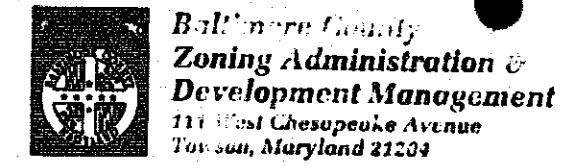
District 11th Date of Posting 9/19/94
Posted for: Business
Petitioner: Bielnick, LLC & Betty B. Grantor Trust
Location of property: 11209 York Rd., Lts
Location of Sign: Facing NW side of property, being road
Remarks:
Posted by: M. Bielski Date of return: 9/26/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/19, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/18, 1994.

NOTICE TO THE PUBLIC
The undersigned, Zoning Commissioner for Baltimore County, do hereby certify that the above described property is the subject of a petition for a variance from the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
The proposed use (carry-out/restaurant) will occupy 2,000 sq. ft. within the existing 15,000 sq. ft. retail center (known as Ashland Corner). Over 65% of the floor area is devoted to kitchen and storage use. The carry out/restaurant opens at 6:00 AM for breakfast and experiences peak usage/parking demand while the majority of the tenants are closed. While at the same time, closing at 5:00 PM, prior to the evening peak for many of the tenants.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

THE JEFFERSONIAN,
A. Henrichson
LAWSON, MD. - TOWSON



receipt

95-42-A

Account: R-001-6150

Number 39

Date 8/1/94

By: M. Bielski

11209 YRK zoning code 020 250.00
(2) signs each 080 70.00
\$ 320.00

Owner: Betty Burton grantor trust. Paid by Bagelworks.
Loc: 11209 York Rd.

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 39

Petitioner: BIELNICK LLC

Location: 11209 YORK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: WILLIAM MONK, INC.

ADDRESS: 222 BOSLEY AVE SUITE B-7
TOWSON, MD 21204

PHONE NUMBER: 494-8931

AJ:ggg (Revised 04/09/93)

Item Number: 39
Planner: JLL
Date Filed: 8-4-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acreage
- Plats (need 12, only submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BC28 section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TXTPSOPH)
11/17/93

TO: POTTYENT PUBLISHING COMPANY
August 18, 1994 Issue - Jeffersonian

Please forward billing to:

William Monk, Inc.
222 Bosley Avenue, Suite B-7
Towson, Maryland 21204
494-8931

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-42-A (Item 39)
11209 York Road
E/S York Road, 165' N of c/l Ashland Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Betty Burton Grantor Trust
Contract Purchaser(s): Bielnick, LLC
HEARING: WEDNESDAY, SEPTEMBER 7, 1994 at 2:00 p.m. in Room 118 Old Courthouse.

Variance to permit 84 parking spaces in lieu of the required 99 spaces.

LAWRENCE E. SCHWIDY
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

AUG 12 1994

(410) 887-3353

NOTICE OF HEARING

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Variance to permit 84 parking spaces in lieu of the required 99 spaces.

ARNOLD JABLON
Director

cc: Russell Burton
Bielnick, LLC
William Monk, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

AUG 29 1994

(410) 887-3353

Bielnick, LLC
1701 York Road
Lutherville, Maryland 21093

RE: Item No. 39, Case No. 95-42-A
Petitioner: Betty Burton Grantor Trust, et al

Dear Sirs:

The Zoning Planning Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 4, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCB:ggg
cc: William Monk, Inc.

Printed with Soybean Ink
on Recycled Paper

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-12-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 39 (JLL)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/11/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42, 43, 44, 45, 46 AND 47.

RECEIVED
AUG 11 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

RE: PETITION FOR VARIANCE
11209 York Road, E/S York Road, 165'
N of c/l Ashland Road, 8th Election
District - 3rd Councilmanic

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Betty Burton Grantor Trust
Petitioners

CASE NO. 95-42- A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to William Monk, Inc., 222 Bosley Avenue, Suite B-7, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
AUG 19 1994
ZADM

HO
 Affidavit Bill Monk not evidence of
 Trustee Authorization. He will provide (for
 him) in a timely fashion.

2/4/94

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
 BILL MONK

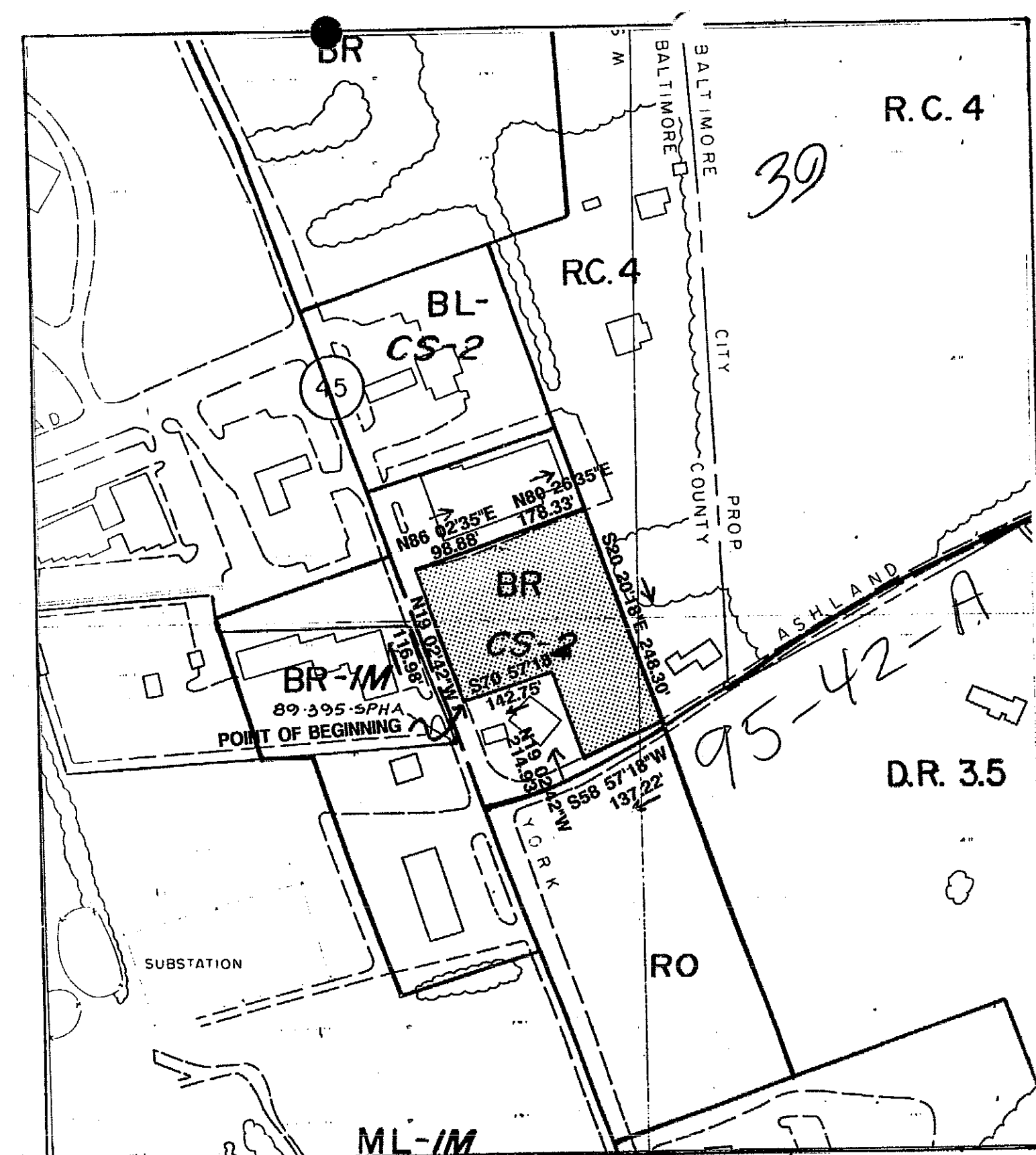
ADDRESS
 222 BASLEY AVE
 SUITE B-7
 TOWSON, MD 21204

RUSSELL BURTON

942 Radcliffe Rd
 Towson, MD 21204

RANDY BIELSKI

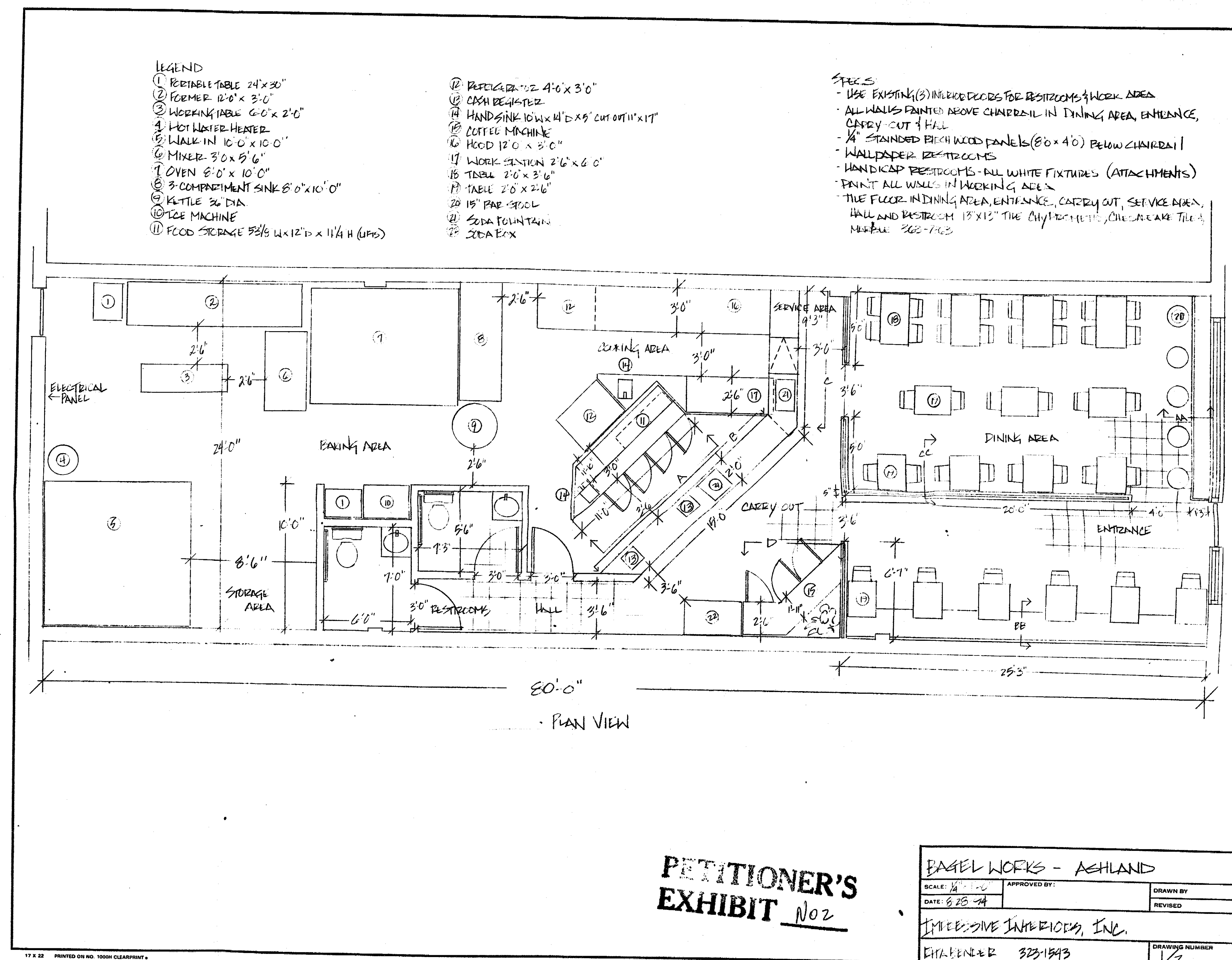
3513 FALLSTON RD
 FALLSTON, MD 21047



WILLIAM MONK, INC.
 PLANNING • LANDSCAPE DESIGN
 ENVIRONMENTAL RESOURCE MANAGEMENT
 122 HUNTER AVENUE, SUITE 207
 ANNAPOLIS, MARYLAND 21403
 410-291-8271

ZONING MAP
 TO ACCOMPANY
 VARIANCE APPLICATION
 #11209 YORK ROAD
 BALTIMORE COUNTY, MD

APPLICANT:
 BIELNICK, LLC
 C/O BAGEL WORKS
 1701 YORK ROAD
 LUTHERVILLE, MD
 7/1/94 1"=200' NW 188



PETITIONER'S
 EXHIBIT No. 2

BAGEL WORKS - ASHLAND	
SCALE: 1/4" = 1'-0"	APPROVED BY:
DATE: 6-25-94	DRAWN BY:
THREE-DIVE INTERIORS, INC.	
CHALLENGER 323-1543	DRAWING NUMBER 1/2

**COCKEYSVILLE VOLUNTEER
FIRE DEPARTMENT**

Parcel 228
Allan A. Frank
Cindy Sue Frank
12113 Ridge Valley Drive
Owings Mills, MD 21117
6635/383 0808006410

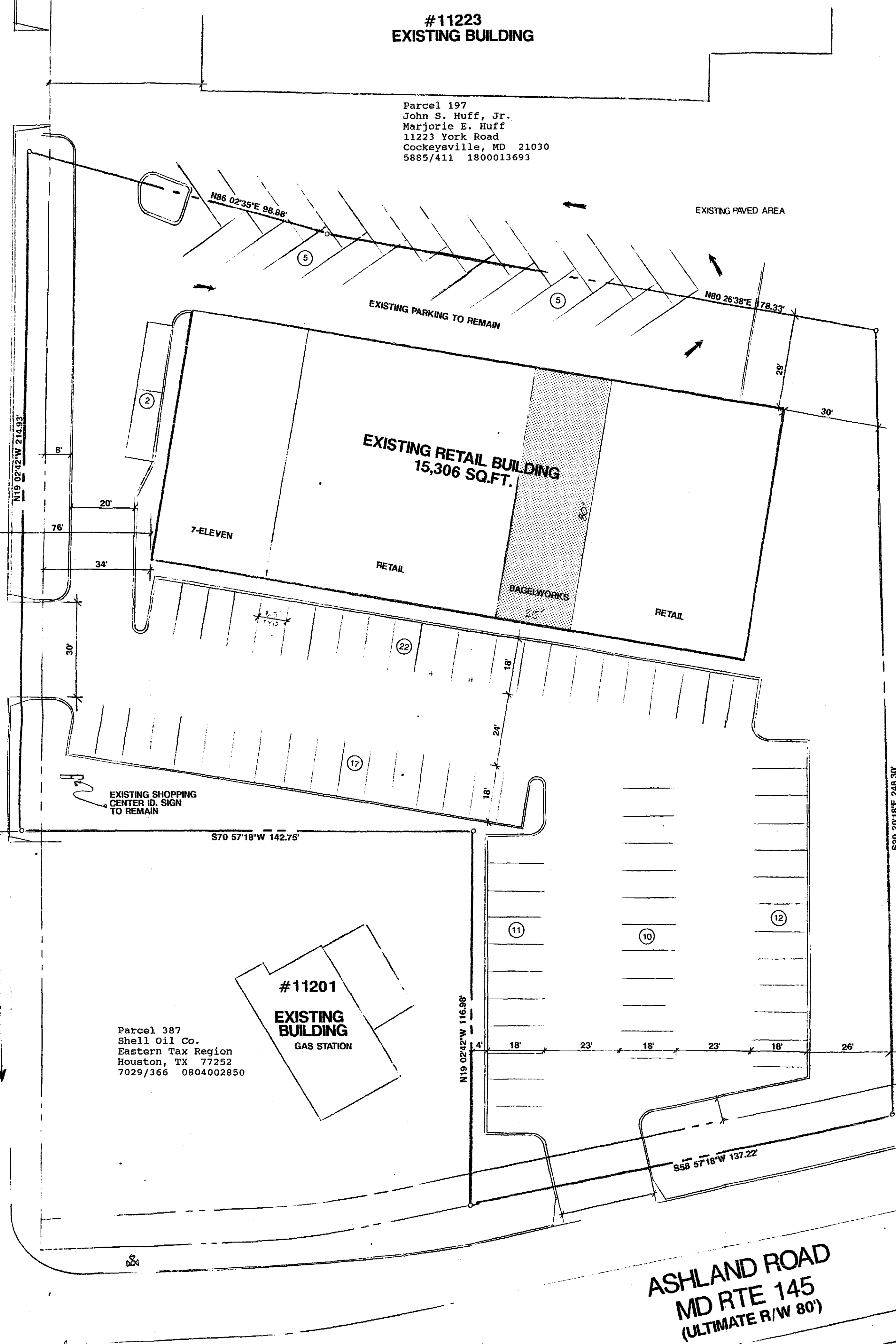
Parcel 295
Cockeysville Volunteer Fire Co.
P.O. Box 344
Cockeysville, MD 21030
2200001594, 2200001595
2200001593

Parcel 293
Stanley C. Leo
Nelson J. Leo
5010 Long Green Road
Glen Arm, MD 21057
7893 / 651 0811015800

**YORK ROAD
MD RTE 45**
(ULTIMATE R/W 80')

POINT OF BEGINNING

165'± TO ASHLAND ROAD



Parcel 387
Shell Oil Co.
Eastern Tax Region
Houston, TX 77252
7029/366 0804002850

**#11201
EXISTING BUILDING
GAS STATION**

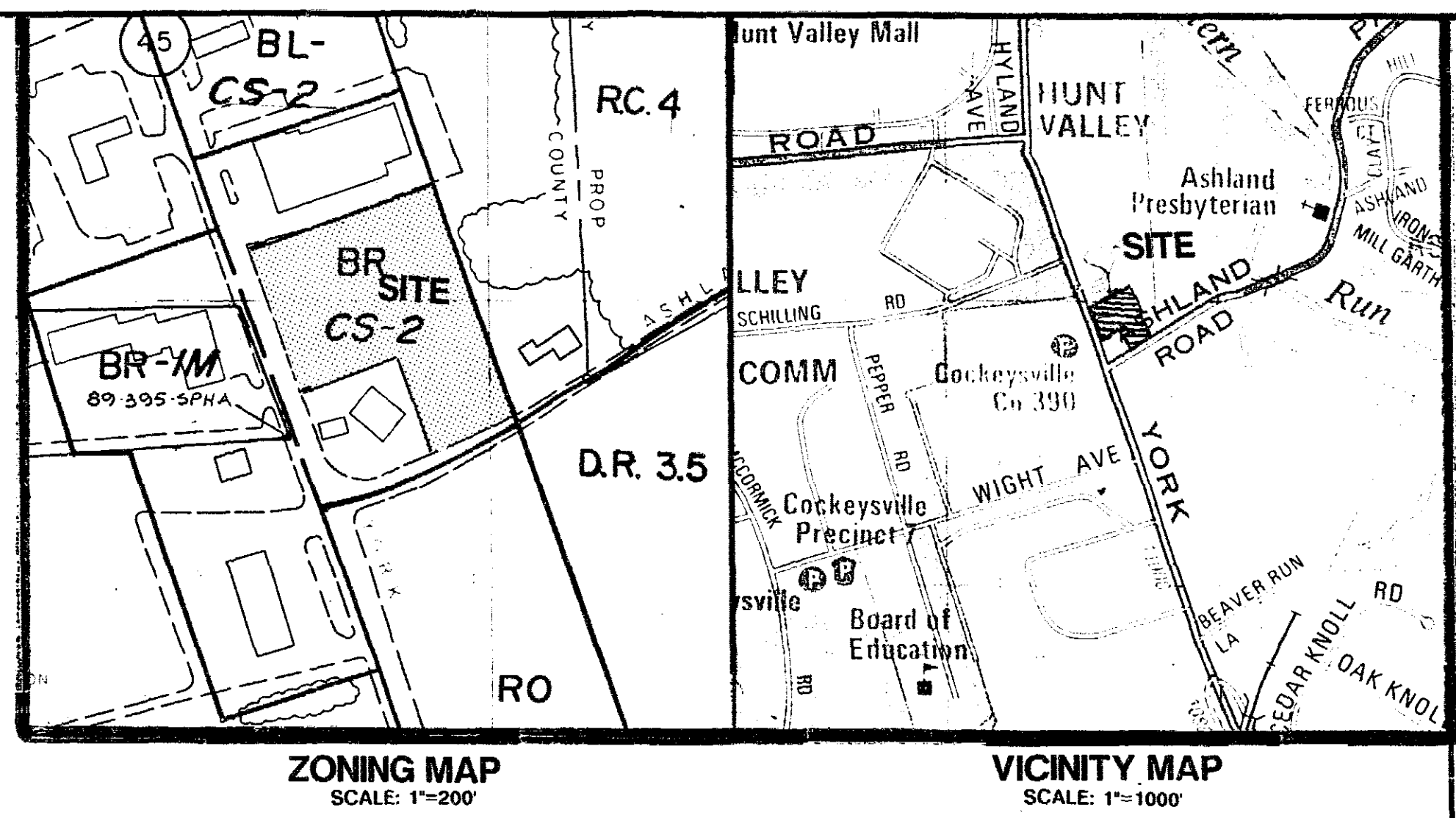
**#11223
EXISTING BUILDING**

Parcel 197
John S. Huff, Jr.
Marjorie E. Huff
11223 York Road
Cockeysville, MD 21030
5885/411 1800013693

**ASHLAND ROAD
MD RTE 145
(ULTIMATE R/W 80')**

Parcel 258
Josias J. Cromwell 2nd
Christopher Cromwell
1360 Glencoe Road
Sparks, MD 21152
8062/582 0816045580

**PETITIONER'S
EXHIBIT No 1**



- NOTES:
1. PROPERTY OWNERSHIP: BARBARA B. ABBOTT, PATRICIA L. BURTON, TRUSTEE
2100 DALEWOOD COURT
LUTHERVILLE, MD 21093
 2. ZONING: EXISTING - BR-CS-2 (BUSINESS ROADSIDE - COMMERCIAL, STRIP)
PROPOSED - SAME
 3. LOT AREA:
NET - 1.47 AC +/-
GROSS - 1.71 AC +/-
 4. EXISTING USE: RETAIL SHOPPING CENTER
 5. PROPOSED USE: RETAIL SHOPPING CENTER
 6. BUILDING SETBACKS: NO EXPANSIONS OR EXTERIOR ALTERATIONS ARE PROPOSED, EXISTING SETBACKS TO REMAIN.
 7. BUILDING AREA:
BAGELWORKS - 2,000 SQ. FT.
REMAINING BLDG - 13,306 SQ. FT.
15,306 SQ. FT.
 8. PARKING:
REQUIRED BAGELWORKS - 2,000 SQ. FT. @ 16/1000 = 32
REQUIRED REMAINDER - 13,306 SQ. FT. @ 5/1000 = 67
TOTAL 99
PROVIDED - 84
 9. UTILITIES:
SEWER - PUBLIC
WATER - PUBLIC
 10. VARIANCE: TO PERMIT 84 PARKING SPACES IN LIEU OF THE REQUIRED 99 SPACES PER SECTION 409.6 BCZR.
 11. SPECIAL EXCEPTION: NONE
 12. ELECTION DISTRICT: 8
 13. COUNCILMANIC DISTRICT: 3
 14. CENSUS TRACT: 4089
 15. WATERSHED: 11
 16. SUBSERSHED: 37
 17. DEED REFERENCE: 7772/563
 18. PROPERTY ACCOUNT NO.: 2100001037
 19. TAX MAP: 42, GRID: 16, PARCEL: 4196
 20. FLOOR AREA RATIO: NO CHANGE FROM EXISTING
 21. HEIGHT OF BUILDING: 1 STORY
 22. MASS TRANSIT ADJUSTMENT: N/A
 23. SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN.
 24. AMENITY OPEN SPACE: N/A
 25. SIGNS: EXISTING SIGNS TO REMAIN. ALL SIGNAGE TO BE IN CONFORMANCE WITH SECTION 413, BCZR.
 26. PREVIOUS COMMERCIAL PERMIT: CRG # VIII-447 (7/7/87)
 27. PREVIOUS ZONING HEARINGS: NONE
 28. PLAN BASED UPON CRG PLAN # VIII-447 (7/7/87) PREPARED BY WILLIAM F. KIRWIN, TOWSON, MD

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS •
222 BOSLEY AVENUE, SUITE B-7
TOWSON, MARYLAND 21204
(410) 494-9551

PLAN TO ACCOMPANY VARIANCE APPLICATION

11209 YORK ROAD @ ASHLAND ROAD
BALTIMORE COUNTY, MARYLAND

APPLICANT:
BELNICK, LLC
C/O BAGEL WORKS
1701 YORK ROAD
LUTHERVILLE, MD 21093

95-42-A

DATE: 7/1/94
JOB NO: 94-64
SCALE: 1"=20'